

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

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CLERK-LAS CRUCES

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
JOSE I. CARO, a.k.a. "Smiley," and
EULALIO VALENTIN CHAVEZ, a.k.a.
"Lalo,")
Defendants.)
CRIMINAL NO. 18CR1251 RB
)
) Count 1: 21 U.S.C. § 846: Conspiracy;
)
) Counts 2, 4-7, and 9: 21 U.S.C. §§ 841(a)(1)
) and (b)(1)(C): Distribution of Cocaine; 18
) U.S.C. § 2: Aiding and Abetting;
)
) Counts 3 and 8: 21 U.S.C. § 843(b): Use of a
) Communication Facility to Further the
) Commission of a Drug Trafficking Crime.

INDICTMENT

The Grand Jury charges:

Count 1

From on or about May 12, 2017, and continuing to on or about September 26, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **JOSE I. CARO**, a.k.a. "Smiley," and **EULALIO VALENTIN CHAVEZ**, a.k.a. "Lalo," unlawfully, knowingly and intentionally combined, conspired, confederated, agreed, and acted interdependently with each other and with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. §§ 841(a)(1) and (b)(1)(B), specifically, distribution of a controlled substance, 500 grams and more of cocaine.

Overt Acts

In furtherance of the conspiracy, and to accomplish the objectives of the conspiracy, the following acts, among others, were committed:

Overt Act One

On May 12, 2017, in a telephone call, Eulalio Valentin Chavez told an undercover agent that the price for ten ounces of cocaine would be \$900 per ounce and said he would have to call his “guy” for a better price.

Overt Act Two

On May 12, 2017, in a telephone call immediately following his discussion about cocaine prices with an undercover agent, Eulalio Valentin Chavez called Jose I. Caro to secure a price of \$850 per ounce of cocaine.

Overt Act Three

On May 16, 2017, Eulalio Valentin Chavez sold 279.5 net grams of cocaine for \$8,500 to an undercover agent.

Overt Act Four

On May 16, 2017, following the sale of cocaine to an undercover agent, Eulalio Valentin Chavez delivered money from the sale to Jose I. Caro, in the same Dunkin Donuts cup in which the agent had provided the money to Eulalio Valentin Chavez.

Overt Act Five

On May 18, 2017, Jose I. Caro discarded in his trash cellophane and black tape packaging that was consistent with the packaging for a kilogram-sized brick of cocaine and which contained cocaine residue.

Overt Act Six

On June 13, 2017, Jose I. Caro provided cocaine to Eulalio Valentin Chavez.

Overt Act Seven

On June 13, 2017, immediately after meeting with Jose I. Caro, Eulalio Valentin Chavez sold 140.35 net grams of cocaine for \$4,620 to an undercover agent.

Overt Act Eight

On June 13, 2017, following the sale of cocaine to an undercover agent, Eulalio Valentin Chavez delivered money from the sale to Jose I. Caro.

Overt Act Nine

On July 18, 2017, Jose I. Caro provided cocaine to Eulalio Valentin Chavez.

Overt Act Ten

On July 18, 2017, immediately after meeting with Jose I. Caro, Eulalio Valentin Chavez sold 141.65 net grams of cocaine for \$4,240 to an undercover agent.

Overt Act Eleven

On July 18, 2017, following the sale of cocaine to an undercover agent, Eulalio Valentin Chavez delivered money from the sale to Jose I. Caro.

Overt Act Twelve

On September 24, 2017, in a telephone call with an undercover agent, Eulalio Valentin Chavez agreed to sell ten ounces of cocaine for \$8,500 to the agent, on Tuesday September 26, 2017.

Overt Act Thirteen

On September 26, 2017, in a series of text messages, Eulalio Valentin Chavez and Jose I. Caro confirmed that they would be ready to sell cocaine to an undercover agent later that day.

Overt Act Fourteen

On September 26, 2017, Jose I. Caro provided cocaine to Eulalio Valentin Chavez.

Overt Act Fifteen

On September 26, 2017, immediately after meeting with Jose I. Caro, Eulalio Valentin Chavez sold 278.2 net grams of cocaine for \$8,500 to an undercover agent.

Overt Act Sixteen

On September 26, 2017, immediately following the sale of 278.2 net grams of cocaine to an undercover agent, Eulalio Valentin Chavez delivered at least \$1,400 from the sale to Jose I. Caro.

In violation of 21 U.S.C. § 846.

Count 2

On or about May 2, 2017, in Doña Ana County, in the District of New Mexico, the defendant, **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 3

On or about May 12, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendant, **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 4

On or about May 16, 2017, in Doña Ana County, in the District of New Mexico, the defendants, **JOSE I. CARO, a.k.a. "Smiley,"** and **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 5

On or about June 13, 2017, in Doña Ana County, in the District of New Mexico, the defendants, **JOSE I. CARO, a.k.a. "Smiley,"** and **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 6

On or about July 18, 2017, in Doña Ana County, in the District of New Mexico, the defendants, **JOSE I. CARO, a.k.a. "Smiley,"** and **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 7

On or about August 17, 2017, in Doña Ana County, in the District of New Mexico, the defendant, **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 8

On or about September 26, 2017, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendants, **JOSE I. CARO, a.k.a. "Smiley,"** and **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally used a communication facility, a telephone, to further the commission of a drug trafficking crime, namely, conspiracy to distribute a controlled substance, contrary to 21 U.S.C. § 846.

In violation of 21 U.S.C. § 843(b).

Count 9

On or about September 26, 2017, in Doña Ana County, in the District of New Mexico, the defendants, **JOSE I. CARO, a.k.a. "Smiley,"** and **EULALIO VALENTIN CHAVEZ, a.k.a. "Lalo,"** unlawfully, knowingly and intentionally distributed a controlled substance, a mixture and substance containing a detectable amount of cocaine.

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

A TRUE BILL:

/s/
FOREPERSON OF THE GRAND JURY



Assistant United States Attorney
BMC
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